

AMENDED IN SENATE APRIL 17, 2013

SENATE BILL

No. 344

Introduced by Senator Padilla

February 20, 2013

An act to *amend Section 52852 of, and to add Section 313.6 41976.3* to, the Education Code, relating to English learners.

LEGISLATIVE COUNSEL'S DIGEST

SB 344, as amended, Padilla. ~~English learner services: effectiveness: report. learners: supplemental funding: school district master plans.~~

~~Existing~~

(1) ~~Existing~~ law, an initiative measure, requires that all children in public schools, with certain exceptions, be taught English by being taught in English, requires that all children be placed in English language classrooms, and requires that children who are English learners be educated through sheltered English immersion during a temporary transition period not normally intended to exceed one year.

~~Existing law, if specified conditions are met, requires the State Department of Education, by January 1, 2014, to review and analyze the criteria, policies, and practices that a sampling of school districts that represent the geographic, socioeconomic, and demographic diversity of school districts in the state use to reclassify English learners, and recommend to the Legislature and to the State Board of Education any guideline, regulatory, or statutory changes that the department determines are necessary to identify when English learners are prepared for the successful transition to classrooms and curricula that require English proficiency, and to issue an updated report by January 1, 2017.~~

Existing federal law, the Limited English Proficient Student Program, provides supplemental funding to state educational agencies to provide grants to eligible local educational agencies for English learners.

This bill, commencing with the 2014–15 fiscal year, would require, as a condition for receiving supplemental funds for English learners under the Limited English Proficient Student Program, a school district that applies to the State Department of Education for these funds to adopt a master plan for how those supplemental funds will be spent. The bill would require the master plan to cover expenditures of these supplemental funds by the school district and at each affected school within the district. The bill would specify the information to be included in the master plans. The bill would require school districts, in developing or renewing master plans under the bill, to seek input from teachers, principals, administrators, English learner advisory committees, schoolsite councils, and parents, both districtwide and from each school.

The bill, commencing with the 2014–15 school year, would require schools and school districts receiving supplemental funding from the Limited English Proficient Student Program to establish advisory committees, with prescribed membership, to which proposed master plans would be submitted for review and approval.

(2) Existing law, the School-Based Program Coordination Act, among other things, implements legislative intent to provide flexibility for schools and school districts to coordinate the categorical funds they receive. The act requires that a schoolsite council be established at each school that participates in school-based program coordination.

This bill, commencing with the 2014–15 school year, would require a school that is required to establish a schoolsite council, and that receives supplemental funds for English learners under the Limited English Proficient Student Program, to include parents and teachers of English learners on its schoolsite council.

~~This bill would require the Superintendent of Public Instruction, by January 1, 2016, and every 2 years thereafter, to evaluate the effectiveness of the English learner services provided by local educational agencies and, notwithstanding specified provisions of law, to report his or her findings to the Governor and the Legislature.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 41976.3 is added to the Education Code,*
2 *to read:*

3 *41976.3. (a) Commencing with the 2014–15 fiscal year, as a*
4 *condition for receiving supplemental funds for English learners*
5 *under the Limited English Proficient Student Program, a school*
6 *district that applies to the department for these funds shall adopt*
7 *a master plan for how those supplemental funds will be spent. The*
8 *master plan shall cover expenditures from these supplemental*
9 *funds by the school district at each affected school within the*
10 *district. The master plan shall include, but not necessarily be*
11 *limited to, all of the following:*

12 *(1) A requirement that the information described in Section*
13 *54029 be posted on the school district’s Internet Web site.*

14 *(2) A listing of the services provided for English learners and*
15 *for a program of compensatory education within the meaning of*
16 *Section 54403, categorized by proficiency level.*

17 *(3) A listing of the instructional materials provided for English*
18 *learners and for a program of compensatory education within the*
19 *meaning of Section 54403, categorized by proficiency level.*

20 *(4) Names, positions, credentials, and authorizations for each*
21 *member of the school district or schoolsite staff assigned to English*
22 *learners or to programs of compensatory education within the*
23 *meaning of Section 54403.*

24 *(5) A professional development plan for school district and*
25 *schoolsite staff, including principals, administrators, teachers,*
26 *and volunteers.*

27 *(6) A description of how the school district and each school*
28 *within the school district will engage and involve parents in the*
29 *education of English learner pupils.*

30 *(7) A calendar for the release of pupil data. The release of pupil*
31 *data shall allow parents to make informed decisions in a timely*
32 *manner.*

33 *(8) A plan for the monitoring of reclassified English learners*
34 *and long-term English learners.*

35 *(9) Benchmarks for progress for English learners and state*
36 *compensatory education.*

37 *(10) A plan for the collection and publication of relevant data*
38 *relating to English learners and state compensatory education.*

1 (b) A master plan developed and adopted under this section
2 shall be renewed annually. In developing or renewing its master
3 plan under this section, a school district shall seek input from
4 teachers, principals, administrators, English learner advisory
5 committees, schoolsite councils, and parents, both districtwide
6 and from each school.

7 (c) A master plan developed and adopted under this section
8 shall be easily available to, and accessible by, the public.

9 (d) Commencing with the 2014–15 school year:

10 (1) Each school that receives supplemental funds for English
11 learners under the Limited English Proficient Student Program
12 shall establish a school English learner advisory committee
13 composed of parents of English learners, English learner pupils,
14 and staff working on English learner education.

15 (2) Each school district that receives supplemental funds for
16 English learners under the Limited English Proficient Student
17 Program shall establish a district English learner advisory
18 committee composed of members from the school English learner
19 advisory committees established under paragraph (1).

20 (e) Each school's contribution to the master plan shall be
21 submitted to, and reviewed and approved by, the school English
22 learner advisory committee established under paragraph (1) of
23 subdivision (d). A proposed school district master plan shall be
24 submitted to, and reviewed and approved by, the district English
25 learner advisory committee established under paragraph (2) of
26 subdivision (d).

27 SEC. 2. Section 52852 of the Education Code is amended to
28 read:

29 52852. (a) A schoolsite council shall be established at each
30 school—~~which~~ that participates in school-based program
31 coordination. The council shall be composed of the principal and
32 representatives of: teachers selected by teachers at the school; other
33 school personnel selected by other school personnel at the school;
34 parents of pupils attending the school selected by such parents;
35 and, in secondary schools, pupils selected by pupils attending the
36 school. Commencing with the 2014–15 school year, a school to
37 which this section applies that receives supplemental funds for
38 English learners under the Limited English Proficient Student
39 Program shall include parents and teachers of English learners
40 on its schoolsite council.

1 ~~At~~
 2 **(b) (1)** *At the elementary level, the council shall be constituted*
 3 *to ensure parity between ~~(a)~~ (A) the principal, classroom teachers,*
 4 *and other school personnel; and ~~(b)~~ (B) parents or other community*
 5 *members selected by parents.*

6 ~~At~~
 7 **(2)** *At the secondary level the council shall be constituted to*
 8 *ensure parity between ~~(a)~~(A) the principal, classroom teachers,*
 9 *and other school personnel; and ~~(b)~~ (B) equal numbers of parents,*
 10 *or other community members selected by parents, and pupils.*

11 ~~At~~
 12 **(3)** *At both the elementary and secondary levels, classroom*
 13 *teachers shall comprise the majority of persons represented under*
 14 *category ~~(a)~~ subparagraph (A) of paragraph (1) and subparagraph*
 15 *(A) of paragraph (2).*

16 ~~Existing~~
 17 **(c)** *Existing* schoolwide advisory groups or school support
 18 groups may be utilized as the schoolsite council if those groups
 19 conform to this section.

20 ~~The~~
 21 **(d)** *The Superintendent of Public Instruction shall provide*
 22 *several examples of selection and replacement procedures that*
 23 *may be considered by schoolsite councils.*

24 ~~An~~
 25 **(e)** *An* employee of a school who is also a parent or guardian
 26 of a pupil who attends a school other than the school of the parent’s
 27 or guardian’s employment; is not disqualified by virtue of this
 28 employment from serving as a parent representative on the
 29 schoolsite council established for the school that his or her child
 30 or ward attends.

31 ~~SECTION 1. Section 313.6 is added to the Education Code,~~
 32 ~~immediately following Section 313.5, to read:~~

33 ~~313.6. By January 1, 2016, and every two years thereafter, the~~
 34 ~~Superintendent shall evaluate the effectiveness of the English~~
 35 ~~learner services provided by local educational agencies and,~~
 36 ~~notwithstanding Section 10231.5 of the Government Code, shall~~
 37 ~~report his or her findings to the Governor and the Legislature.~~